

SPIRIT OF THE PRESS.

EDITORIAL OPINIONS OF THE LEADING JOURNALS  
OF THE MORNING—COMPILED EVERY  
DAY FOR THE EVENING TELEGRAPH.

An Experiment in Negro Republican Government—The New Constitution of Hayti.

From the Times.

There are few recent political papers of greater interest than the newly promulgated Constitution of the negro Republic of Hayti.

The document is neither a copy nor a travesty of any other national charter which takes a written form. It does not compare, in any way, with the Imperial burlesque decreed by Souleouque. It contrasts rather than admits of comparison with the narrow, exclusive, sectarian system which prevailed, more or less, for nine years under Geffard's administration. That administration, if not the actual system of government itself, our Government went quite as far out of its way as was necessary to sustain in 1865. But for the moral support which Geffard then received from us, his Government would unquestionably have been overthrown eighteen months sooner than it was.

After the close of our own civil war—in the summer of 1865—a deputation from the island was sent to this country expressly to represent what was then the rebel interests of the Haytian republic, contending against the usurpations of the President. One member of that deputation was an American missionary of the highest character—a member of one of the oldest Virginia families, who had volunteered thirty-five years ago as an evangelist among the Haytiens, and as a pastor to the American and English residents in one settlement. During the whole of that period the gentleman we refer to had stood steadily at his post; had mixed in none of the local party conflicts of Imperialists and Republicans; and had acquired no other interest than that of a philanthropic laborer in the field of enterprise upon which he had entered as a youth. His representations of the character of the Geffard administration have proved to be perfectly truthful. His predictions of the fate which awaited the President himself have been realized.

The political crime which most directly caused the discomfiture of Geffard was his indifference to the progress of the Dominican struggle against Spain in the brief struggle of 1864. His readiness to enter into a Concordat with Rome was an evil omen for the supporters of religious toleration and freedom. His system of finance, adopted without any due regard to national obligations, was strongly opposed by every one belonging to what may be called the Liberal party. His approval of the disabilities imposed upon foreigners by his predecessor, and his desire to establish as nearly as might be negro ascendancy, pure and simple, in opposition to the mixed population, and to naturalized foreigners—his whole policy of late years, indeed, was such as to alienate from him the sympathy of liberal-minded men of all classes and creeds. Those who fought so stoutly for Dominican independence three years ago naturally distrusted him; and the effectual undermining of his Government was, in fact, his own particular work. He failed to comprehend the responsibilities of his position. His conduct was guided by no well-defined constitutional rule, and he was thrown aside for good.

It would be premature to augur for his successor a better and worthier career, or a more enviable reputation. But the newly-proclaimed Constitution of Hayti certainly indicates an aspiration among a considerable class, and that the most intelligent in the republic, for a stable Government, which, by its Constitution, at least, shall appeal to the respect and the confidence of liberal States generally.

The guarantee of the freedom of worship, and the freedom of the press; the provision for a system of free schools; the recognition of the right of public discussion; the assurance of protection to foreigners; the abolition of the death penalty for political offenses; the declared supremacy of the ordinary civil tribunals, over extraordinary commissions of whatever sort—are all the natural dictates of a liberal policy, and are more or less a guarantee for the establishment of a permanently free Government.

The more conservative features of the new Constitution serve rather to enhance than to detract from its strength and its real value as a fundamental national law. Where nine-tenths or more of the people are of one religion, there cannot be said to be religious intolerance in providing a State stipend for the ministers of that religion—any more than there is intolerance in Belgium, or in the new kingdom of Italy, or in France, or England, or Scotland, where religious endowments are a part of the national system. Even the limit set to the exercise of the franchise under the new Haytian Constitution ought to receive the thoughtful consideration of those who are struggling—as we are doing here, and as they are doing in England—to find some golden mean between a restricted and an unqualified suffrage. Under the provisions in the new franchise law, the citizen of Hayti, claiming the right to vote, must show that, besides being of legal age, he is either the owner of real estate, has been engaged in the cultivation of a farm, has a profession, is employed in the public service, or follows some industrial calling. Such limits to the exercise of the franchise here in New York would reduce the registered voters' list by ten odd thousand easily—all taken from that class of our population who cannot show that they follow any industrial calling whatever.

The liberal-conservative character of this Haytian instrument may be looked at in view of our own political position. We are about to introduce half a million of negro votes to a single sweep. We are about to introduce them, not as a distributed political force, but as a compact sectional power. The logic of their emancipation has forced the issue upon us, and it cannot be met by evasion or delay. The raw material will have to be used, and it is not improbable that we may gather experience of some value from these negro islanders. They have tried something approaching to universal suffrage, under conditions where they were entirely relieved from the restraints or the interference of a "superior" race. They have gone through a sufficient amount of domestic trouble for the last sixty years, and their conclusions on the question of civil government must interest, if they do not instruct us. They have shown at least that they are not the inferiors of the mixed Castilian, Indian, and negro race in Mexico; and their constitutional project of free schools, freedom of worship, a qualified suffrage, and the recognition of the property rights of foreigners, if it indicates anything, indicates national progress, from the study of which communities of greater pretensions may usefully take lessons.

Men's Grandfathers.

From the Tribune.

Is there any such thing as pure narration in history? Does the world want it? or, wanting it, does it get it? There are many histories of England, but is there one—Whig, Tory, Protestant, or Catholic—which is not colored by the views of its writers? Hume, Macintosh, Fox, Macaulay—brilliant, learned, and entertaining as they are—are also respectively the advocates of parties and opinions. Gibbon cared less for the decline of Rome than for the downfall of Christianity. Annals and memoirs are no better, and are sometimes tainted by prejudice, or spoiled by errors of observation, or fall of personal griefs. The infirmities of human action are complicated by the obligations of human vision. It is a remarkable feature of modern letters, that few great historical works have appeared in our day which have not been made the subject of fierce and prolonged controversy. Now it is the narrative which is brought to bar, and now the philosophy. As the historian approaches his own time, he is ambuscaded by the grandchildren of defunct heroes, watching lest their progenitors be deposed from their demi-divinity, and proved to have had their share of erroneous mortality. Mr. Bancroft is the latest victim of this absurd and childish method of criticism. We have so long taken it for granted that all the men who figure in our Revolutionary period were utterly without fault, and incapable of being influenced by other than public and patriotic motives, that it seems like sacrilege to disturb such well-settled and orthodox notions. The answer is that human nature is always the same, and that men were quite as likely to be selfish, or prejudiced, or to have the usual assortment of faults, in 1776 as at the present time. If celebrated personages are to be taken upon trust or tradition, and canonized as soon as they are in their coffins, then what need have we of history at all? If it be worth while to make up any estimate of character, of what value, we may ask, is a false and perverted one? On the contrary, is not the value of all virtuous actions enhanced by the consciousness that those to whom they were attributed sometimes struggled with temptation and sometimes succumbed? Hamilton was by no means irreproachable moral, and himself confessed his fault in a pamphlet defending his public act in his private life. Franklin, in his autobiography, admits his many lapses from the path of virtue with all the candor of Rousseau. These two men were among the greatest and most shining supporters of the Revolution. Does anybody think the worse of them for their candor? Of course, there is, for certain purposes, a well-defined line between History and Biography, but as Paley justly asks:—"What is public history but a register of the successes and disappointments, the vices, the follies, and the quarrels of those who engage in contentions for power?" So far as great men may well appear to have been truly unselfish and devoted, so far this somewhat cynical definition may be modified, but no further. Moreover, events are continually occurring which it is impossible to elucidate without the illustration of personal character. How is the history of the Federal and Democratic parties to be truthfully written without any reference to the quarrels of Adams and Jefferson? of Adams and Hamilton? of Adams and almost everybody else? The temper of the second President was generous; but his warmest admirer never claimed that he could keep it under control. In this respect he was the very opposite of Franklin, whose cool, half-cynical method of managing upon his own side a conversational controversy, often drove Mr. Adams into a passion which placed him at a disadvantage. We remember to have heard this infamy of a great man candidly admitted by one of his descendants with a freedom which showed that he at least did not fear that a statement of such faults would substantially damage the fame of his illustrious ancestor. Other grandsons, it would seem, are more sensitive. Is this because other great men of the Revolution were purer, greater, more single-minded than the ardent orator, the profound statesman, and the accomplished scholar of Quincy? Indeed, we do not know how these touches of nature can fail to bring him nearer to his kind, and to strengthen their gratitude without materially diminishing their reverence. But while we may forgive, if there be anything to be forgiven, it is a virtual abolition of his office for the historian to forget. White-washing is no part of his business, and yet lately most historians seem to consider either that or its opposite to be the sole purpose of recording the past. There are perpetual notions for the setting aside of verdicts, and for the reversal of time-honored decisions. Peter the Great and Catharine have with much ado been cleaned and rendered presentable. That old beast, the father of Frederick the Great, under Mr. Carlyle's manipulations, turns out a virtuous and venerable character. Henry VIII got married exceedingly against his will, and cut off heads merely for the sake of the Protestant succession. Richard III was rather benevolent and soft hearted than otherwise. Elizabeth had none of the vices of her family, and in fact no vices at all. Mary, the Queen of Scots, was a matron of immaculate fame, and somewhat averse to the society of handsome men and melodious singers. Napoleon I was the kind, truth-telling gentleman exhibited in Mr. Abbott's "history"—not merely good, but a goodly. At this rate, historical reading will have no more interest than the little biographies of the juvenile deceased which are compiled for the Sunday Schools.

We have no desire to engage in the controversy which Mr. Bancroft's volume has awakened, even if we had the requisite space, ability, and leisure. One thing, however, is judicially true. If the descendants of Joseph Reed, or of General Greene, or of any other Revolutionary character, are to claim any credit for the services of their ancestors, they must take whatever discredit may go along with it. We think none the worse of a man because his great-grandfather was hanged for horse-stealing; we think none the better of a man because his great-grandfather was a general in the Revolutionary army. We have never been informed that the laws which govern human nature were entirely suspended during the American Revolution, and that every man upon our side engaged in it was a perfect character except General Arnold. How his history is to be written without some faint allusion to the characters of the actors in it, we really do not know.

Stanton vs Grant—The Radical Game. From the Herald.

It is for "his virtues" that it is sought to drive Mr. Stanton out of the Cabinet, says a high radical authority; and it is for his virtues, of course, that the radicals desire he should hold on. It would be safe to go more into detail, and say that it is for one particular virtue that he is supposed to possess that the radicals desire that he should retain his place—the virtue, namely, of having that kind of self-

handed wisdom and tact that by any and every means disposes of obnoxious candidates to public favor. Stanton is, in his present position, raked upon by his radical associates for the great duty of killing General Grant, as in other days he killed off General McClellan. As the head of the War Department, it is supposed he may do great service in that direction. He may involve Grant in all sorts of politico-military complications, and put him in such false positions as to easily compromise the great soldier in the eyes of the masses, and thus give the radical orators and writers some material to work on against that hitherto unassailable name. Grant's record is so clear, so plain, so direct a story of unselfish patriotism, that radicalism feels it has no chance against such a candidate; and it assigns to Stanton the special duty to change all this, and involve the man of the people in the toils of intrigue. In the Cabinet, associated so directly with Grant in the work of reconstruction, Stanton, it is held, may accomplish this. Outside the Cabinet, of course, could not. Hence it is a vital part of the radical programme that he should hold his place; he should even bitter personal hates are for the time laid aside, and radicals who love Stanton as little as they love Grant are willing to risk the Secretary's gaining great position in his party, for the mere hope that he will cripple the man who otherwise is beyond their reach.

This is no new business to Stanton. Corrupt intrigue, covered always by skillful simulation of bold and honest purposes, has been the common vein of his political life. Before he was in the Cabinet, Chase and his associates, desiring to manage matters in their own peculiar style, found Cameron in their way—a man who did not believe that to make Chase President should be the final object of all human endeavor. Cameron's place was important, as it had all the contracts; and the combination was made to drive Cameron out and put Stanton in, not forgetting to heap at the same time all possible odium on the retiring Secretary. Stanton once in, the vast patronage of the War Department was in the hands of the combination, and the case seemed clear. But a new danger arose. Generals began to fill a large place in the popular thought; successful soldiers attracted to themselves what was sought to be an undue proportion of attention; and Secretaries were in danger of dwindling out of sight. The problem for the conspirators then was how to carry on the war without letting any one general achieve such splendid triumphs as would make him the especial glory and favorite of the nation. The soldier who then loomed up with greatest promise was General McClellan. For the right kind of action in West Virginia he had been promoted to the command of the nation's best army, he had organized it with great success, and had taken it skillfully and with little loss to the immediate neighborhood of the enemy's capital. He was looked upon by the whole country as the man destined to close the war in a blaze of glory, and the case became desperate for the political conspirators in the Cabinet. To this soldier, therefore, Stanton resolutely applied his murderous memorable policy, determined to kill the soldier even though he killed the country. He broke that army into detachments, and paralyzed it by hampering the commander with all pitiful conditions. He succeeded in forcing the failure of that campaign, and there and elsewhere destroying the soldier, though by pushing away the success then within our grasp he caused the war to reach the proportions it did and piled up the great debt that now weighs upon us.

He succeeded against McClellan; he destroyed Buell in the West; he broke down successively every man that rose into prominence; he became the nightmare of the nation. But Grant rose from battle to battle in spite of his hindering policy—triumphing over Stanton, almost without knowing it, by plain honesty of purpose, as he did over the enemy by his straightforward fighting. Stanton found that he could not destroy Grant by the means that had been successful against others, and resorted to the characteristic plan of putting a spy in camp under the designation of an Assistant Secretary of War. It was the business of this pitiful fellow to foist himself upon the soldier at all times, to be present whenever there was company, to push his way in at meals, to listen at corners, and report all that might make capital against Grant. All in vain! Grant beat the enemy still, put down the Rebellion, and became the foremost man of the nation. But even then the game was not given up, and we have recently laid before the public facts in regard to another spy on Grant, a detective, employed, as stated, by a Massachusetts Congressman. But the Massachusetts Congressman in question is hand and glove with Stanton, and the game of one is the game of the other; both are lost if a case cannot be made against the great soldier before the time when the people will choose another President. And in this desperate position it is the last hope of the radicals, or some other, that Grant shall be killed off and his name taken from the roll of the nation. Stanton is to do it. Hence he must hold on to his place by tooth and nail if need be, through thick and thin, in spite of all indignity and opprobrium.

The Close of the Surratt Trial. From the World.

The termination of the Surratt case by non-agreement secures the same result to the prisoner as a verdict of acquittal, since he will not be tried again. That this trial has been long, costly, and abortive is no reason why it should not have taken place. Other trials are sometimes expensive and frequently result in acquittal. Criminal judiciaries are not organized to convict, nor organized to acquit, but to do justice. A reasonable presumption of guilt justifies a trial. The chances of acquittal are the refuge of innocence against unjust accusations and undeserved punishment. But this trial of John Surratt was not prompted by the ordinary motives; it has not been conducted in the ordinary spirit of criminal jurisprudence; and it is not therefore to be surrendered to oblivion with the apathy which usually follows a failure to convict.

What were its motives? Not to protect society against a repetition of the same crime by this individual, even supposing him guilty. He had left the country, and, if guilty, would never have returned. The life of no person in the United States was less secure for his being a large man, nor would the Government of any foreign State have felt any apprehension from his presence in its territory. Neither was it the purpose of this trial to make an example to deter others from the commission of similar crimes. The assassination of President Lincoln had been so terribly expiated by the prompt execution of other alleged conspirators, that nothing could be added to the preventive terrors of punishment, even if a combination of circumstances like that which attended the assassination were ever likely to occur again.

The motive of this trial was not the vindication of justice, but the vindication of the Government and its famous Military Commission. The prisoner had not, therefore, the ordinary chance of a person on trial for his life. His acquittal would have been a condemnation of the Government. If this prisoner could be convicted by an ordinary court of justice, the impression meant to be given to the country was that the Military Commission, though perhaps irregular, had not violated substantial justice, since the result was precisely similar to what took place in an ordinary tribunal, in a case almost identical, and resting on much of the same evidence. The paramount object of this trial was the exculpation of the Government; the life of the prisoner was deemed necessary to the attainment of that object. A weak individual thus struggling for his life against a powerful Government bent on taking it as a means of rescuing itself from odium and infamy, was placed at a disadvantage never before encountered by a prisoner in this country in a court of justice. In the trial of Burr, the administration of Mr. Jefferson no doubt wished his conviction, but the judge was the political and personal enemy of the prisoner. But Judge Fisher is a Republican, appointed by Mr. Lincoln. His rulings have been, throughout, most glaringly against the prisoner. The leading counsel for the prosecution, selected for his ability, and brought on from New York, is a gentleman who has been for years the closest and most intimate friend of Secretary Stanton, the most deeply concerned in the exculpation of the Military Commission. Such a selection may not have been indecorous; but it at least disclosed the great stake Mr. Stanton felt he had in the condemnation of the prisoner, and the consequent vindication of his illegal Military Commission. Mr. Stanton has not forgotten the arts of manipulating the telegraph which he practised during the war. Before the trial commenced, it was announced from Washington that Judge Pierpont would not consent to conduct the case for the Government until he became convinced, by examination of the evidence, that the prisoner was undoubtedly guilty. This was a trick for causing the testimony to be read with jaundiced eyes; a trick for procuring a conviction in the public mind in advance of the trial. There was much similar trickery in the Court, calculated to impress the public with the idea that if the prisoner were not promptly condemned, it would be the fault of the jury. The resort to such devices proved, if not the consciousness of a weak case, then most certainly an excessive and nervous soliloquy.

After all, the trial has failed to accomplish its object. Instead of proving that a military tribunal is as safe a tribunal for persons accused as a jury, it proves the reverse. Here was substantially the same case, most of the same witnesses, substantially the same evidence, at least equal energy and ability on the part of the prosecution, and in one case the prisoners were promptly convicted, while in the other the jury seems likely to disagree, and the prisoner to escape with his life. It is clear, therefore, that Mrs. Surratt and the others had not the chances which the law would have given them. That being the case, no matter whether they were innocent or guilty, they were murdered. Any life taken without warrant of law is murder. If Jerry O'Brien had been strung up to a lamp-post by the officer who first arrested him, he would have met precisely the same fate that overtook him on Friday; but instead of an execution it would have been a murder. The policeman would have been tried and hung instead of the prisoner whom he had unlawfully despatched.

A jury is better for the public safety than summary executions by public officers, even though a jury may sometimes acquit the guilty. The reason is, that if officers are permitted to kill those who they may think deserve it, innocence has no safeguard. It is less evil for society to be endangered by the occasional escape of a murderer, than for suspected innocence to be at the mercy of every officer of the law. No great harm will result from the escape of John H. Surratt, even if he is guilty; but a precedent, like that of the Military Commission, which enables the Government to kill whomever it may choose to consider guilty, puts the life of every person the Government hates at the mercy of its arbitrary will.

Will President Johnson Resign? From the Leader.

We believe that as the President has reviewed the question of his resignation, it may be stated in this shape—"I am legislatively rendered what a comic paper has pictured me—a mere figure-head to the ship of state. Constitutionally, I am its Captain. Practically, my crew has mutinied. One of my very messmates defies me at my own cabin table, and persistently refuses to accept my reckoning. The responsibility of safety or shipwreck is, nevertheless, nominally with me. Yet, in all truth, I have no control whatsoever. If I should wholly surrender the ship of state to the mutineers, a majority of the popular crew might be induced to at least save her from wreck."

Nor is this an overdrawn picture. The President is called Commander-in-Chief of the Army. Yet by radical law his orders are only made valid whenever the War Secretary countersigns them. Mr. Stanton refuses to do that. Not only does this subordinate defy the Commander-in-Chief, but the Generals of Divisions and Brigades imitate his demoralizing example. The obvious corollary of this situation is that the finances of the country are at the mercy of the Treasury Secretary if he chooses to be contumacious; and there is no Federal officer who is not practically independent of the Governmental head.

But if Mr. Wade became acting President, unanimity and uniformity in Governmental details would ensue. The radical programme could be speedily carried out. If it resulted in disaster the public could the sooner place the responsibility where it belonged, and the sooner rescue the nation from doubt and uncertainty. How often does the caution or the knife cause an ulcer to heal that else would have ripened into gangrene! The President's intimate friends have urged that his place is high to the helm so long as the ship of state floats; that, if disaster came, history and posterity would hold him accountable; that, practically, the radical programme was inevitably to be performed as events now marshalled themselves, and while it was obvious that the President was powerless. Before Mr. Stevens announced that impeachment was impracticable, President Johnson could not resign without exposing himself to the charge of cowardice. Since that bugbear has perished, no obstacle to self-respect exists in the case. He could resign, and in a farewell address to the American people put himself on record in a document that before many months might be accepted as memorably just. If he remains, the only good he can possibly accomplish is to delay the radical programme long enough to save the South from precipitate revolution and the North from a sudden financial panic.

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